

Island of Guernsey

Ordinance of the States **VII** 1961

Made 15th March, 1961.
Came into Operation .. 15th March, 1961.

The Children Board (Regulation of Adoption Arrangements) Ordinance, 1961

THE STATES, on the representations of the Children Board and in exercise of the powers conferred upon them by subsection (3) of section twenty-one of the Adoption (Guernsey) Law, 1960, and of all other powers thereunto them enabling, hereby order:—

1. (1) In this Ordinance the expression “an authorised person” has the meaning assigned to it by subsection (1) of section four of this Ordinance and the expression “the Board” means the Children Board and includes a Committee of the Children Board.

*Interpreta-
tion.*

(2) References in this Ordinance to an adoption order or to a person proposing to adopt an infant shall be construed as including references to a provisional adoption order or a person proposing to apply for such an order.

Explanatory memorandum for parent or guardian proposing to place an infant for adoption.

2. Before an infant is placed at the disposition of the Board with a view to his being adopted, the Board shall secure that the parent or guardian proposing so to place the infant is furnished with a memorandum in the form set out in the First Schedule to this Ordinance and signs and returns to the Board a certificate in the form set out in that Schedule or a form to the like effect certifying that he understands the said memorandum.

Duties of the Board before placing an infant for adoption.

3. An infant shall not be placed by the Board in the care and possession of a person proposing to adopt him until—

- (a) the Board has, so far as is reasonably practicable, ascertained the particulars set out in the Second Schedule to this Ordinance;
- (b) the Board has obtained a report from an authorised medical practitioner as to the health of the infant in the form set out in the Third Schedule to this Ordinance or in a form to the like effect;
- (c) the person proposing to adopt the infant has been interviewed by or on behalf of the Board;
- (d) any premises in the Island in which that person intends that the infant shall reside permanently have been inspected by or on behalf of the Board;
- (e) the Board, after considering all the information obtained in pursuance of the foregoing paragraphs of this section, has approved of the infant being so placed.

Supervision of infants placed by the Board for adoption

4. (i) The Board shall make adequate arrangements for the supervision of every infant placed by the Board in the care and possession of a person pro-

posing to adopt him until that person gives notice under subsection (2) of section four of the Adoption (Guernsey) Law, 1960, of his intention to apply for an adoption order in respect of the infant; and in particular shall arrange that every such infant is visited by a person authorised by the Board in that behalf (hereafter in this Ordinance referred to as "an authorised person") within one month after being so placed and thereafter as often as the Board deems necessary.

(2) An authorised person shall, after each visit, make a report to the Board as to the welfare of the infant.

5. Any information obtained by a member or servant of the Board or by an authorised person in the course of negotiations entered into by the Board with a person proposing to place an infant at the disposition of the Board with a view to his being adopted or with a person proposing to adopt him shall be treated as confidential and shall not be disclosed except so far as may be necessary for the purpose of proceedings under the Adoption (Guernsey) Law, 1960, or for the proper execution of his duties. Information.

6. The Board shall ensure that—

- (a) none of its records or other documents relating to negotiations mentioned in the last foregoing section are readily accessible to unauthorised persons; Keeping of documents.
- (b) such records and such other documents are preserved for at least twenty-five years.

7. This Ordinance may be cited as the Children Board (Regulation of Adoption Arrangements) Ordinance, 1961. Citation.

FIRST SCHEDULE

Section two

*The Children Board (Regulation of Adoption Arrangements)
Ordinance, 1961.*

Adoption of Children

Explanatory Memorandum

This memorandum is addressed to the parent (a term which does not include the natural father of an illegitimate child) or guardian of a child who is about to be legally adopted.

A person proposing to adopt your child has to apply to the Royal Court for an adoption order. Before making an order, the Court will have inquiries made by a person called the guardian ad litem to see whether it would be in the interests of the child that he should be adopted by the proposed adopters. The Court will also require to know whether you (and any other parent or guardian of the child) consent. The Court cannot make an adoption order without your consent unless it dispenses with your consent on the ground that you have abandoned, neglected or persistently ill-treated the child, or that you have failed without reasonable cause to discharge your obligations as a parent or guardian, or on the ground that you have unreasonably withheld your consent. The Court may also dispense with consent on the ground that the parent or guardian cannot be found or is incapable of giving consent (for instance by reason of being insane).

You will be asked to sign a form of consent which can be shown to the Court as evidence of your consent. This form will either give the names of the persons wishing to adopt the child, or, if they wish to conceal their identity, will refer to them by a number. If you want to know what sort of people they are, you can ask the Children Board.

Do not sign the form of consent unless you are quite sure that you are willing that your child should be adopted by these persons. If the Court makes an adoption order, your rights as a parent or guardian will be transferred to the adopters and they will become in law the child's parents. You will then have no further right to see the child or to have the child returned to you. If the adopters live abroad, they will probably take the child abroad with them after obtaining an order.

If you do not know the names of the proposed adopters, but wish your child to be brought up in a particular religious faith, you may give your consent on condition that they propose to bring up your child in that faith.

If you sign the form of consent and then, before the adoption order is made, you wish to withdraw your consent, you should inform the Court. But the proposed adopters are entitled to refuse to hand back your child to you unless you obtain the permission of the Court.

You are not allowed to receive any money for giving your consent.

Certificate

To the Children Board.

I hereby certify that I have received from you a memorandum headed "Adoption of Children. Explanatory Memorandum", and I further certify that I understand it.

Signature

Address

Date

SECOND SCHEDULE Paragraph (a) of section three

Particulars to be ascertained

PART I

Particulars relating to the infant

1. Name.
2. Date and place of birth.
3. If baptised, date and place of baptism and denomination.

4. If not baptised, religious persuasion of the infant's father and mother.
5. Name, address and age of infant's father and mother. If either is dead, date of death.
6. If either the father or mother has any other children, the age and sex of each child.
7. Whether there is any history of tuberculosis, epilepsy, mental illness or other disease in either the father's or mother's family.
8. Why the infant is offered for adoption and whether he has previously been so offered.
9. Whether the mother consents to the infant being adopted, and, if not, her reasons for not consenting.
10. If the infant is legitimate, whether the father consents to the infant being adopted, and, if not, his reasons for not consenting. If the infant is illegitimate, whether the father (if known) has any objection to the infant being adopted.
11. The names and addresses of the infant's guardians (if any), how they were appointed, and whether they consent to the infant being adopted, and, if not, their reasons for not consenting.
12. Whether any other person has the like control over the infant as if he were a parent of the infant and whether that person has any objection to the infant being adopted.
13. Whether the infant has any right to, or interest in, any property.
14. Whether an insurance policy for the payment on the death of the infant of money for funeral expenses has been effected.

PART II

Particulars relating to the proposed adopters

1. Names.
2. Address.
3. Dates of birth.

4. Religious persuasion.
5. Occupation.
6. Whether the proposed adopters are ordinarily resident in Guernsey, Herm or Jethou, and, if not, the address at which they are ordinarily resident.
7. Whether the proposed adopters are domiciled in Guernsey, Herm or Jethou, and, if not, the country in which they are domiciled.
8. If the proposed adopters intend to apply for a provisional adoption order, whether they intend to adopt the infant in law or in fact in the country in which they are domiciled.
9. If there are two proposed adopters, the date and place of the proposed adopters' marriage, and whether either proposed adopter has previously been married and, if so, whether that marriage was dissolved or annulled.
10. If there is only one proposed adopter, whether that person is married, and, if so, why the spouse does not join in the application, and whether he consents to the infant being adopted, and, if not, his reasons for not consenting.
11. Particulars of all members of the proposed adopters' household and their relationship (if any) to the proposed adopters.
12. The accommodation in the proposed adopters' home and the condition of the home.
13. The means of the proposed adopters.
14. The wishes of the proposed adopters as to the age and sex of the child they wish to adopt.
15. The names and addresses of two persons selected by the proposed adopters to whom reference can be made as to their character.
16. Whether either of the proposed adopters has previously—
 - (a) notified the Children Board of his intention to adopt an infant;
 - (b) applied to the Children Board with a view to adopting an infant;

- (c) had in his care and possession a child in relation to whom the provisions of Part I of the Law entitled "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes" registered on the tenth day of February, nineteen hundred and seventeen, apply, who has been removed under section two of that Law;
- (d) had in his care and possession a protected child who has been removed under section thirty-two of the Adoption (Guernsey) Law, 1960; or
- (e) been prohibited from keeping a protected child.

THIRD SCHEDULE

The Children Board (Regulation of Adoption Arrangements) Ordinance, 1961.

Medical Report as to health of infant

Paragraph (b) of section three

Child's name Date of birth Sex

Weight Height

A. General Condition

Skin

Eyes (including vision)

Ears (including hearing)

Nose and throat

Speech

Cardio-vascular system

Respiratory system

Alimentary system

Genito-urinary system (including examination of urine for albumen, sugar and phenylpyruvic acid)

- Skeletal and articular system (including examination for congenital dislocation of hip)
- Nervous system (including fits)
- Lymphatic system
- Any other comments
- Is the child physically normal having regard to his age?
- B. Are there any items in the child's history or examination which suggest that he may be mentally abnormal having regard to his age?
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- C. Particulars of any illnesses from which the child has suffered
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- D. If known,
- Weight at birth (if child is under one year of age)
- Details of birth, including result of mother's serological tests for syphilis
- Particulars, with dates, of vaccination or immunisation against—
- Tuberculosis (state result of Mantoux test or whether child has been successfully vaccinated with B.C.G. vaccine)
- Smallpox
- Diphtheria
- Whooping Cough
- Poliomyelitis
- Tetanus (active)
- Any other disease
- E. Result of suitable serological test of the child's blood for syphilis taken six weeks or later after birth (please specify test)

F. I examined the child on the day of,
19.....

Signature Address

Qualifications
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R. H. VIDELO,

Her Majesty's Greffier.